THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.13701 of 1997

Dated: 18.01.2007

Between:

J. Dharmichand S/o P.Jawaharlal and others

..... PETITIONERS

AND

The District Collector, Hyderabad and others

.....RESPONDENTS

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.13701 of 1997

ORDER:

Petitioners claim to be the owners of the plot bearing No.13-B admeasuring 1114 square yards forming part of Sy.No.202 (old) corresponding to new Sy.No.207, by virtue of a registered sale deed dated 27.12.1977 executed by one Dr.P.Sarojini in their favour. It is their case that there is road only on the eastern side of the plot, but the respondent-authorities, without following due process of law, laid foundation for laying roads on the northern and western side of their plot and thereby affecting major portion of the plot. They further allege that in spite of protest and representations, the respondent-authorities are attempting to lay roads by using police force. Hence they seek a writ of mandamus declaring the action of the respondents in seeking to lay roads in the plot of the petitioners, without following due process of law, as arbitrary and illegal.

Detailed counter-affidavit is filed on behalf of the respondents stating that roads were laid by the Zilla Parishad authorities and subsequently the above areas wherein the roads were laid are merged in Municipal Corporation of Hyderabad limits in the 1982-83. Subsequent to the said merger, the Municipal Corporation of Hyderabad upgraded the conditions of the said roads by black tapping as the roads were in bad condition. It is further stated that the Corporation is not laying any roads in the plot belonging to the petitioners.

In the light of the specific averment made by the respondents in the counter-affidavit that no road is laid in the plot of the petitioners, this writ petition is disposed of observing that if any road is laid in the plot belonging to the petitioners, the same shall be done only in accordance with law.

Accordingly the writ petition is disposed of. There shall be no order as to costs.

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18.01.2007

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